

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2127 OF 2021

Amol @ Bablu Rajendra Narle	... Applicant
Vs	
The State of Maharashtra	... Respondents
...	

Mr. Vikrant V. Phatate for the Applicant.
Mr. Rahul Vijaymane for Intervenor.
Mr. A.Patil, APP for the State.

CORAM : SANDEEP K. SHINDE J.
DATE : 6th JUNE, 2022.

P.C. :

Applicant seeks his enlargement on bail in connection with the Crime No.1030 of 2020 registered with Faujdar Chawdi Police Station, Solapur for the offences punishable under Sections 302, 201 and 420 of the Indian Penal Code, 1860 ('IPC' for short).

2 Primary evaluation of the final report conveys
that on 22nd September, 2020, dead-body of the deceased

Shailesh Kokate was found lying on the ground-floor of the partly constructed building. On enquiry, Mr. Akash Sudhir Jadhav, Bhimashankar Pathrut, Meghraj Pasare disclosed that applicant assaulted deceased with sharp edged weapons and thereafter strangulated him and fled the spot of the incident. Whereafter, at the instance of Constable, Crime No.1039 of 2020 came to be registered against the applicant on 22nd September, 2020. Applicant was arrested on 22nd September, 2020. In the course of investigation, statements of Meghraj Rajshekhar Pasare, Akash Sudhir Jadhav, Bhimashankar Dattatraya Pathrut were recorded, who had allegedly disclosed the incident to police on 22nd September, 2020. I have perused the statements of Meghraj Pasare recorded on 2nd October, 2020 and of Akash Jadhav recorded on 27th September, 2020. Statements of these witnesses reveal that they came to know about the assault and murder of deceased from police. Statements of the witnesses do not state that on 23rd September, 2020, they were present on the spot of the incident and disclosed

the complicity of applicant in the crime to the police. Therefore, statements of witnesses recorded on 27th September, 2020 and 2nd October, 2020 do not support the prosecution case. On the contrary, complaint filed by the Constable on 22nd September, 2020 makes and renders prosecution case doubtful.

3 Be that as it may, learned counsel appearing for the Victims (Family members of the deceased), would submit that, on the date of the incident, the applicant had called his friend, Manoj Pawar on his mobile and told him that the deceased was attempting to implicate him in false case and at the material time, deceased was in applicant's company. Relying on the statement of Manoj Pawar, learned counsel for the victims, submitted that motive to eliminate the deceased was clearly discernible from the statement of Manoj Pawar. However, the fact remains that police have not verified, whether on the date of incident, applicant had called Manoj Pawar on his mobile or not. In any case,

prosecution case, against the applicant is founded on circumstantial evidence. Yet, evidence brought on record, prima-facie, does not connect the applicant to crime in question. Moreover, no recovery of incriminating material has been effected from the applicant. Thus, in consideration of the facts of the case, in my view, case is made out for granting bail to the applicant. Thus, following order;

ORDER

(i) The applicant in Crime No.1039 of 2020 registered with Foujdar Chawadi Police Station, Solapur, shall be released on executing PR bond for the sum of Rs.25,000/- with one or more sureties in like sum.

(ii) The applicant shall furnish his permanent residential address and contact number to the Investigating Officer within seven days from the date of his release on bail.

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant,

witnesses or any person concerned with the case

(iv) The applicant shall attend concerned police station twice a month, i.e., 2nd and 4th Monday from 11 a.m. to 1 noon till the charge is framed.

4 The application is accordingly allowed and disposed of.

5 It is made clear that observations made here-in-above be construed as expression of opinion for the purpose of bail only and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)